APPLICATION TO MODIFY OR DISCHARGE A PLANNING OBLIGATION

GUIDANCE NOTES FOR APPLICANTS

INTRODUCTION

These notes accompany application Form S1062.

Section 106A of the Town & Country Planning Act 1990 provides that a planning obligation may be modified or discharged by agreement between the parties, or in default of such agreement, by application to the Local Planning Authority at the end of the period of five years beginning with the date when the obligation was entered into.

After the expiry of the five years (see above), an application can be made. The Council upon receipt of such an application, will either decide that the planning obligation should continue in effect without modification, discharge the obligation, or modify the obligation.

Where the Council has failed to respond to an application or has refused to modify or discharge an obligation there is a right of Appeal to the office of the Deputy Prime Minister.

Agreements pre-dating 25 October 1991 (including under the original S106 of the 1990 Act) are not subject of the statutory process. Notwithstanding this a completed application form will be required to be completed and submitted in respect of all applications to modify or discharge a planning obligation.

If you need advice or help contact the Planning Services. To avoid and delay in processing your application, please make sure that the correct forms and site plans are sent. Photocopies are acceptable as long as they are clear.

1. APPLICANT/ 2. AGENT

The applicant is the name of the person for who this application is being made. If you are using an agent to submit this application all future correspondence will be with him/her.

3. ADDRESS OF LAND OR BUILDINGS

Give the full postal address of the property/land (Including the postcode) or as complete a description of the site as you can.

4. APPLICANTS INTEREST IN THE LAND

Please give exact details of your interest in the site.

5. NOTIFICATION TO INTERESTED PARTIES

The applicant must give notice of the application to any person against whom, on the day 21 days before the date of this application, the planning obligation is enforceable.

You must take reasonable steps to find out the name and address of such person(s).

Where the names and addresses of all such persons are not known the applicant must, during the 21 day period immediately preceding this application, publish notice S1064 attached In a local newspaper.

6. DETAILS OF PLANNING OBLIGATION TO BE MODIFIED/DISCHARGED

Please fill in as fully as possible including the date of obligation.

7. REASON(S) FOR APPLYING

Please fill in as fully as possible, continue on a separate sheet if necessary.

8. APPLYING FOR PERMISSION

Please sign and date this section.

9. SITE PLANS

The application **must be** accompanied by five copies of a site plan showing the land to which the obligation relates. The plan must be based on Ordnance Survey data and show enough detail to show the site in relation to any adjoining properties and the nearest public highway(s). The site of the application must be edged in red. The plans must be to scale of 1:2500 (rural areas) and 1:1250 (urban areas).

10. FEES

There is no fee payable for these applications.

Please send your completed application to:
Planning Department
Council Offices
Brympton Way
Yeovil
Somerset BA20 2HT